



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

280 South 1st Street  
San Jose, CA 95113

*cand.uscourts.gov*

**NOTICE OF A LAWSUIT  
AND REQUEST TO WAIVE SERVICE OF A SUMMONS**

TO: Officer Clawson

San Quentin State Prison

San Quentin, CA 94974

**Why are you getting this?**

A lawsuit has been filed against you, or the entity you represent.

This is not a summons or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within days 30 days from **1/29/2020** (or 90 days if this you reside outside of any judicial district of the United States).

A copy of the complaint and two copies of the waiver form are enclosed. Please return one copy of the waiver in the enclosed envelope. You may keep the complaint and one copy of the waiver for your records.

**What happens next?**

If you return the signed waiver, it will be filed with the court. The case will proceed as if you had been served on the date the waiver is filed, but no summons will be served on you. You have 60 days from **1/29/2020**, the date this notice is sent to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, the summons and complaint will be formally served on you. The court may require you, or the entity you represent, to pay the expenses of making service.

I certify that this request is being sent to you on the date below.

Date: 1/29/2020

A handwritten signature in cursive script that reads "Susie F. Barrera".

Susie F. Barrera, Deputy Clerk  
408-535-5382

AO 399 (01/09)(CAND 399 Rev. 06-19) Waiver of the Service of Summons

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

\_\_\_\_\_  
SHIKEB SADDOZAI

*Plaintiff*

v.

\_\_\_\_\_  
CLAWSON

*Defendant*

)  
)  
) Civil Action No. [18-cv-05558-BLF](#)  
)  
)

**WAIVER OF THE SERVICE OF SUMMONS**

To: CLERK, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 1/29/2020, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Printed name*

**Duty to Avoid Unnecessary Expenses of Serving a Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.